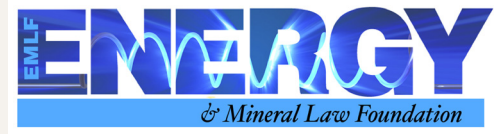


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Institute for Energy Law (IEL) of The Center for American and International Law
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Institute for
ENERGY LAW



2019

9/4 - 9/5

10th Law of Shale Plays Conference

THE WESTIN PITTSBURGH
PITTSBURGH, PENNSYLVANIA, USA

Highlight: The Policy and Regulation of Energy Production and Transportation in Appalachia: A Fireside Chat with Former Pennsylvania Governor Tom Corbett



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Highlights:

- Energy Industry Opposition: The Latest Wave of Challenges and Strategies
- Leases, Language, and Litigation: A Ten-Year Retrospective on the Evolution of Leasing in Appalachia
- Eye of the Beholder: Energy Contracts as Viewed by a Transactional Attorney and a Litigator
- Getting Old and Finding a New Lease on Life
- I Sue You: The Current State of Energy Litigation in Appalachia

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SCHEDULE

9/4 - 9/5

10th Law of Shale Plays Conference

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WEDNESDAY, SEPTEMBER 4

7:45 Registration

8:35 Welcome, Overview and Introductions

8:45 Evolution of the Upstream Energy Markets – Recent Trends in the Capital Markets, A&D and M&A (0 hr)

- **Marcel A. Hewamudalige**, Managing Director, Evercore Partners, Houston, Texas

9:15 Energy Industry Opposition: The Latest Wave of Challenges and Strategies (1.25 hr)

Opponents to energy development are increasingly well-funded and sophisticated in deploying tactics to delay and defeat upstream oil and gas development. The multi-faceted attacks play out in all branches of federal, state and local governments, as well as the press. Transportation infrastructure has proven to be a crucial pinch point because of the government approvals, court challenges and resource considerations. This panel will report from the trenches on the key policy and legal arguments being advanced, the critical government approvals and resource studies posing challenges, and the role of social media in communicating with different stakeholders.

Moderator: **Ann D. Navaro**, Bracewell LLP, Washington, D.C.

Panelists:

- **Andrew T. Bockis**, Saul Ewing Arnstein & Lehr LLP, Harrisburg, Pennsylvania
- **Caitlin Sickles**, Director, Government Affairs, Bracewell LLP, Washington, D.C.
- **Jim Welty**, Vice President, Government Affairs, Marcellus Shale Coalition, Harrisburg, Pennsylvania

10:30 Break >

10:50 Eye of the Beholder: Energy Contracts as Viewed by a Transactional Attorney and a Litigator (.75 hr)

There are common complaints raised by transactional attorneys and litigators regarding the other. This session will explain the concerns and issues of each side of the legal divide and assist attorneys in working better with and understanding the concerns of the other side of the profession.

- **Lucas Liben**, Reed Smith LLP, Pittsburgh, Pennsylvania
- **Sarah Nealis Bohan**, The Law Office of Sarah Nealis Bohan PLLC, Bridgeport, West Virginia

11:35 A Full House: Co-Tenancy and Unitization (.75 hr)

This session will discuss West Virginia's Cotenancy Modernization and Majority Protection Act, which became effective in June of 2018, and delve into some as yet unanswered questions about the scope of the Act. The speakers will also discuss recent Ohio decisions dealing with unitization, and touch on unitization options and procedures applicable in West Virginia, Ohio and Pennsylvania.

- **Elizabeth B. Elmore**, Jackson Kelly PLLC, Charleston, West Virginia
- **Andrew N. Schock**, Jackson Kelly PLLC, Akron, Ohio

SCHEDULE

12:20 Lunch > Sponsored by:  

12:55 The Policy and Regulation of Energy Production and Transportation in Appalachia: A Fireside Chat with Former Pennsylvania Governor Tom Corbett (.75 hr)

- **The Honorable Tom Corbett**, 46th Governor of Pennsylvania, Spilman Thomas & Battle, PLLC, Pittsburgh, Pennsylvania

Interviewed by **Michael J. Basile**, Spilman Thomas & Battle, PLLC, Charleston, West Virginia

1:40 Break >

2:00 What's Yours is Mine: The Challenges and Law of Eminent Domain in Energy Production and Transportation (.75 hr)

In eminent domain proceedings, landowners vigorously challenge a company's right to condemn as a tactic to forestall the condemnation. The attacks are typically focused on (i) the validity of the certificate of public convenience and necessity, (ii) the necessity of the property rights sought, and (iii) whether adequate negotiations occurred. The speakers will discuss defenses to those challenges and proactive measures and policies companies can implement early on to ensure success.

- **Richard D. Holzheimer Jr.**, McGuireWoods, Tysons, Virginia
- **John D. Wilburn**, McGuireWoods, Tysons, Virginia

2:45 Getting Old and Finding a New Lease on Life (.75 hr)

This session will explore legal issues related to old, abandoned, or non-producing wells.

- **Braden L. Christopher**, Steptoe & Johnson PLLC, Canonsburg, Pennsylvania
- **Bridget D. Furbee**, Steptoe & Johnson PLLC, Bridgeport, West Virginia

3:30 Break >

3:45 I Sue You: The Current State of Energy Litigation in Appalachia (1.25 hr)

This session will look at current litigation occurring in Appalachia, including novel legal issues impacting oil and gas development.

Moderator: **Jesse J. Zirillo**, Dickie, McCamey & Chilcote, P.C., Pittsburgh, Pennsylvania

Panelists:

- **Andrea E. Hammel**, Cozen O'Connor, West Conshohocken, Pennsylvania
- **Kara M. Mundy**, Vorys, Sater, Seymour and Pease, LLP, Columbus, Ohio
- **Robert M. Stonestreet**, Babst, Calland, Clements and Zomnir, P.C., Charleston, West Virginia

5:00 - 6:15 Networking Reception >

Sponsored by:  
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SCHEDULE

THURSDAY, SEPTEMBER 5

8:25 Introduction

8:30 Thoughts from the In-Crowd (1.25 hr)

This panel of senior industry lawyers will address the concerns of general counsel in operating and developing shale plays and getting products to market.

Moderator: **Cole T. DeLancey**, Assistant General Counsel, Cabot Oil & Gas Corporation, Pittsburgh, Pennsylvania

Panelists:

- **Courtney M. Ahuja**, General Counsel, Inflection Energy LLC, Denver, Colorado
 - **T. Lane Wilson**, Senior Vice President & General Counsel, The Williams Companies, Inc., Tulsa, Oklahoma
-

9:45 Navigating the Litigation Waters: Two Ongoing Water-Related Cases of Significance to the Industry (.5 hr)

This session will focus on two ongoing cases dealing with water rights and usage of significance to the oil and gas industry. The first case, *Dunlap v. DCNR*, involves a challenge to the Department of Conservation and Natural Resources' pronouncement that it owns the oil and gas interests that exist beneath every stream that the Pennsylvania General Assembly has ever designated as a public highway – even if the stream is not navigable in fact. The second case, *Wayne Land and Mineral Group LLC v. DRBC*, involves a challenge to the Delaware River Basin Commission's determination that, under Section 3.8 of the Delaware River Basin Compact, a gas well pad together with a gas well and associated activities constitute a "project" and therefore cannot be constructed in the Basin without DRBC approval. For each case, the presenters will discuss the background and status of the case, the arguments that are being made in the case, and the case's potential implications for the industry.

- **R. Timothy Weston**, K&L Gates LLP, Harrisburg, Pennsylvania
 - **Anthony R. Holtzman**, K&L Gates LLP, Harrisburg, Pennsylvania
-

10:15 Break >

10:30 Leases, Language, and Litigation: A Ten-Year Retrospective on the Evolution of Leasing in Appalachia (1 hr)

In celebration of the 10th Law of Shale Plays Conference, this presentation will examine lessons learned in the field and in the courtroom over the past 10 years in the Appalachian Basin. Speakers will discuss issues to consider when acquiring and negotiating leases, the case law that has developed in the region in response to a variety of lease disputes, and recommended revisions to lease forms based on those cases.

- **Kelly O'Bryan da Mota**, CEO & President, Cimmaron Land, Inc., Bridgeville, Pennsylvania
 - **Christopher W. Rogers**, Frost Brown Todd LLC, Pittsburgh, Pennsylvania
-

11:30 We're Not in Kansas Anymore – Or Are We? Multijurisdictional Practice for the Oil and Gas Lawyer (1 hr ethics)

Many oil and gas lawyers regularly practice across state lines, handling deals or lawsuits in one state, for a client in another state, under the law of a third state. This multijurisdictional practice raises a host of ethical and statutory issues, as lawyers struggle to comply with practice rules that were created for the last century – or even the century before that. Using hypotheticals, we will show how to navigate these difficult problems, and examine gaps in the Rules that lawyers must watch out for.

- **Ronald C. Minkoff**, Frankfurt Kurnit Klein & Selz PC, New York, New York
-

12:30 Adjourn >

REGISTRATION

10th Law of Shale Plays Conference September 4 - 5, 2019 The Westin Pittsburgh • Pittsburgh, Pennsylvania

Registration includes the one and a half day conference, one luncheon, one reception and the course material provided online, which may be printed or saved by registrant.

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CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by August 12, 2019. Email kjohnson@callaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the online course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the The Westin Pittsburgh, 1000 Penn Avenue, Pittsburgh, PA 15222. Registrants may call 412-281-3700 and advise that they are attending the "Law of Shale Plays Conference" to receive a reduced rate of \$139 + tax/night. The last day to obtain this special rate is August 12, 2019.

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The program is approved by the State Bar of Texas for 11 hours, including 1 hour of ethics. Course ID Number: 174057437. Approved credit hours will vary by jurisdiction and are subject to each jurisdiction's approval and credit rounding rules.

AAPL credit will be available.

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